

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN ALLAN WALTERS**, on March 26, 2001 at 9:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Allan Walters, Chairman (R)
Rep. Debby Barrett, Vice Chairman (R)
Rep. Tom Dell, Vice Chairman (D)
Rep. Norma Bixby (D)
Rep. Dee Brown (R)
Rep. Donald L. Hedges (R)
Rep. Hal Jacobson (D)
Rep. Larry Jent (D)
Rep. Michelle Lee (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Gay Ann Masolo (R)
Rep. Douglas Mood (R)
Rep. Alan Olson (R)
Rep. Rick Ripley (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)

Members Excused: Rep. Holly Raser (D)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Ruthie Padilla, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: SB 443; SB 249; SB 396; SB
397; SB 472

EXECUTIVE ACTION ON SB 443

{Tape : 1; Side : A; Approx. Time Counter : 0.9}

Motion: REP. WALTERS moved that SB 443 BE CONCURRED IN AS AMENDED.

Discussion:

Sheri Heffelfinger explained to the committee the amendments to the bill and how it will read.

REPRESENTATIVE BROWN said she would like to have an amendments stating it is on a voluntary basis and is paid for by the citizen or organization.

Motion: REP. BROWN moved that SB 443 BE CONCEPTUALLY AMENDED.

Discussion:

REPRESENTATIVE LEE asked Patricia Marchington, Genealogical Society, if there is a person from the Genealogical Society at a state level who would be willing to do this on a voluntary basis. Patricia Marchington said she believed so, because they do want to be really involved with this.

REPRESENTATIVE MASOLO said it should specifically say the Genealogical Society in the amendment.

Motion: REP. LEE moved that SB 443 BE CONCEPTUALLY AMENDED.

Discussion:

REPRESENTATIVE LEE said she would like to add to REPRESENTATIVE BROWN'S amendment that the citizen is to be from the Genealogical Society for the State of Montana.

Motion: REP. BROWN moved that SB 443 BE CONCEPTUALLY AMENDED.

Vote: Substitute motion carried unanimously. 17-0

Motion: REP. OLSON moved that SB 443 BE CONCURRED IN AS AMENDED.

Discussion:

REPRESENTATIVE RIPLEY asked if the bill still states that in order for any records to be destroyed, it has to be a unanimous

decision by the committee. **Sheri Heffelfinger** replied that is in current law and has not changed.

REPRESENTATIVE SCHRUMPF commented the people really want this bill and urged the committee to pass it.

REPRESENTATIVE OLSON said he is really disappointed with the misinformation that has been circulated around about the bill. That is what had driven him to vote no, time after time.

REPRESENTATIVE DELL told the committee he too, was very disappointed about the misinformation that circulated around. He received a copy of the e-mail that was being circulated around that discussed all the things the committee was to blind to see, but there was no mention of the constitutionality or right of privacy, which was the committee's major concern. If he votes for the bill, it will only be because the bill has been cleaned up emencely.

REPRESENTATIVE HEDGES stated the local people do not get informed of the reason the bill was tabled.

CHAIRMAN WALTERS commented, he too felt the bill was poorly written and not well presented. He feels the bill is a good bill now and urged the committee to vote for it.

REPRESENTATIVE MOOD stated if he ever needed a Genealogical service he will never go to these people, because he does not believe they are rational. He is going to vote for the bill and pass it along, but wants nothing more to do with the people.

Motion: REP. OLSON moved that **SB 443 BE CONCURRED IN AS AMENDED.**

Vote: Motion **carried unanimously.** 17-0

EXECUTIVE ACTION ON SB 249

{Tape : 1; Side : A; Approx. Time Counter : 29.3}

Motion: REP. LEE moved that **SB 249 BE CONCURRED IN.**

Motion: REP. MASOLO moved that **SB 249 BE AMENDED.**

EXHIBIT (sth68a01)

Discussion:

REPRESENTATIVE JACOBSON said the amendment gets the monetary opponent out of the bill and greatly simplify the bill.

REPRESENTATIVE BROWN stated she is in favor of the amendments. The amendments will pretty much turn the bill into an interim study to show the committee what is happening with leasing by state agency.

REPRESENTATIVE BARRETT said a lot would have to be looked at because a lot of the older buildings are not earthquake safe and do not meet the requirements.

REPRESENTATIVE RIPLEY commented, he did not feel the bill was necessary. They already try and maintain the business area down town and do go through a procedure to determine whether they can or cannot. The state currently has a policy in place and does not feel the law is needed.

REPRESENTATIVE LEE stated she feels the bill with the amendments is essential. She feels it saved the downtown area in Livingston.

REPRESENTATIVE MASOLO asked **REPRESENTATIVE RIPLEY** were it is written that the process is currently being done now.

REPRESENTATIVE RIPLEY said it was testimony by **Bill Bayless**, Department of Administration.

Motion: REP. MASOLO moved that **SB 249 BE AMENDED. Vote:** Motion carried unanimously. 17-0

Motion: REP. LEE moved that **SB 249 BE CONCURRED IN AS AMENDED.**

Discussion:

REPRESENTATIVE MOOD said with regulations in place it would put people in the position that it would be cheaper to build new construction out of town than to retrofit downtown structure so the state could move in. It is 3 times as expensive to rent a downtown building, then go out of town. He does not feel regulations can continue being put on buildings in a downtown area and then expect people to stay in the buildings.

REPRESENTATIVE LEE urged the committee to vote for the bill. She said in a town like Livingston, it will mean whether or not they have an economy in their downtown.

REPRESENTATIVE SCHRUMPF said she is going to vote for the bill, but does agree with **REPRESENTATIVE MOOD** on what does happen.

REPRESENTATIVE DELL stated he is not going to vote for the bill, is because of his experience with down town Billings. He rented a building for his business for 10 years and it became to

expensive and had to moved out west because there was no economically means of him staying there and does not want to see the state get in the same situation.

CHAIRMAN WALTERS said he is also going to oppose the bill for the same reason as **REPRESENTATIVE DELL**. He does not feel this should be done.

REPRESENTATIVE BROWN commented, she does not feel the bill would require anyone to do anything. It will only make them look at the possibility of downtown buildings.

REPRESENTATIVE SMITH stated he could not see putting that much burden on the state.

Motion: REP. LEE moved that SB 249 BE CONCURRED IN AS AMENDED.

Vote: Motion carried 9-8 with Barrett, Dell, Jent, Mood, Olson, Ripley, Smith, and Walters voting no.

EXECUTIVE ACTION ON SB 396

{Tape : 1; Side : B; Approx. Time Counter : 19.7}

Motion: REP. LEE moved that SB 396 BE CONCURRED IN.

Discussion:

Sheri Heffelfinger handed out written testimony on behalf of Kenneth Carpenter. **EXHIBIT**(sth68a02)

Motion: REP. MASOLO moved that SB 396 BE AMENDED.

Discussion:

Sheri Heffelfinger discussed the amendment with the committee.

Motion: REP. MASOLO moved that SB 396 BE AMENDED. **Vote:** Motion carried 17-1 with Lee voting no.

Motion: REP. WALTERS moved that SB 396 BE CONCURRED IN AS AMENDED.

Discussion:

REPRESENTATIVE LEHMAN said he is going to vote for the bill.

REPRESENTATIVE DELL stated he is very split on the bill and feels there are some very legitimate issues with it. His major concern is having checks and balances for the initiative process.

REPRESENTATIVE LEE commented, she did not at all like the bill. She feels it changes something very basic that has been in Montana for a very long time and does not feel it is up to them to mess with the system or to take away rights.

REPRESENTATIVE HEDGES said he supports both bills 396 and 397. For a long time Montana had a protection mechanism built into the system through the senate. The senate members were elected by county and it was only when the Supreme Court came through with a one man, one vote rule for the state, that it was lost.

REPRESENTATIVE SMITH stated he is in support of the bill and feels it will make it better for the rural areas.

REPRESENTATIVE MOOD said most initiatives are targeted at rural lively hood. He feels the idea of being able to go to four different cities to get signatures to pass an amendment to the constitution is appalling. If the constitution is going to be changed, it should be proved that the people of the state are in broad base support of the change.

REPRESENTATIVE LEE stated, even though she grew up in a rural setting, she disagrees with the bill because she does not feel the majority of rural Montanans think in bigger picture terms. She wanted it to be on record as greatly opposing the bill.

REPRESENTATIVE RIPLEY said he is going to support this legislation. He does not feel they are taking the rights away from anyone to participate in the initiative and strongly supports the initiative process. This piece of legislation is equal participation to everyone.

Motion: REP. WALTERS moved that **SB 396 BE CONCURRED IN AS AMENDED**. **Vote:** Motion **carried 12-5 with Bixby, Jacobson, Jent, Lee, and Schrupf voting no.**

EXECUTIVE ACTION ON SB 397

{Tape : 2; Side : A; Approx. Time Counter : 11.5}

Motion: REP. MASOLO moved that **SB 397 BE CONCURRED IN.**

Discussion:

REPRESENTATIVE MASOLO said the urban people sometimes do not see the big picture and what the rural areas are faced with. She feels this is a way to have a little more of a cross section for Montana and is going to support the bill

REPRESENTATIVE LEE said she is going to oppose this bill as well for many of the same reasons she opposed SB 396.

Motion/Vote: REP. MOOD moved that **SB 497 BE CONCEPTUALLY AMENDED**. Motion carried 15-2.

Motion/Vote: REP. SMITH moved that **SB 397 BE CONCURRED IN AS AMENDED**. Motion carried with Bixby, Jacobson, Jent, Lee, and Schrupf voting no.

EXECUTIVE ACTION ON SB 472

{Tape : 2; Side : A; Approx. Time Counter : 22}

Motion: REP. LEE moved that **SB 472 BE CONCURRED IN**.

Motion: REP. OLSON moved that **SB 472 BE AMENDED**.
EXHIBIT (sth68a03)

Discussion:

Sheri Heffelfinger explained the amendment to the committee.

REPRESENTATIVE OLSON asked **Janice Doggit, Secretary of State's Office** what concerns they would have if they left the hearings process in place. **Janice Doggit** replied the concern they is with the way the bill currently is, with 50 signatures a person could get a state-wide hearing. They have had 70 in the last ten years that qualified to be heard and only 20 petitions actually made it through the process to get signatures. The cost would be an issue.

REPRESENTATIVE LEE said there are 68 amendments on a bill that is already been considered a constitutional challenge, therefore, she does not feel they should be passing the bill or amendment.

REPRESENTATIVE BROWN told the committee said feels uncomfortable with this and is not voting for the bill.

REPRESENTATIVE HEDGES commented, he supports the legislation.

REPRESENTATIVE LEHMAN stated he supports the concept involved, but thinks the proposal is too cumbersome and needs to be completely revised so that it is more understandable. At this time, he is going to vote against the bill.

Motion: REP. OLSON moved that **SB 472 BE AMENDED**. **Vote:** Motion carried 11-6 with Bixby, Jacobson, Jent, Lee, Lenhart, and Schrupf voting no.

Motion: REP. OLSON moved that **SB 472 BE CONCURRED IN AS AMENDED**.

Discussion:

REPRESENTATIVE RIPLEY said he also supports the concept, but agrees with **REPRESENTATIVE LEHMAN**.

REPRESENTATIVE BARRETT stated, she supports the bill as amended. The amendments amend current law and it is up to the legislature for clarification of current law and feels it should have been done a long time ago.

REPRESENTATIVE LEE wanted to be on record as opposing this bill and will join the **Mackins** in their lawsuit if this bill passes. The last time she sued the State of Montana it was worth 2.6 million dollars, so she told the committee to go ahead and pass the bill.

REPRESENTATIVE OLSON said people have been led down the wrong path with the process they currently have. He feels the process is needed and needs to be clarified. This bill will give it the clarification it needs.

REPRESENTATIVE DELL commented, he is going to vote against the bill. He feels it would be putting up too many barriers and goes too far too fast.

Motion: REP. OLSON moved that **SB 472 BE CONCURRED IN AS AMENDED**. **Vote:** Motion carried 10-7 with Bixby, Dell, Jacobson, Jent, Lee, Lenhart, and Schrupf voting no.

ADJOURNMENT

Adjournment: 11:00 A.M.

REP. ALLAN WALTERS, Chairman

RUTHIE PADILLA, Secretary

AW/RP

EXHIBIT (sth68aad)